

REMARKS

Claims 1-59 are pending in the application. The position set forth in the Office Action has been carefully considered. Reconsideration is respectfully requested.

I. ALLOWABLE SUBJECT MATTER

Applicants acknowledge with appreciation the allowance of claims 8, 24, and 29. Applicants believe that other pending claims are also in condition for allowance for at least the reasons set forth below.

II. REJECTIONS OF CLAIMS 1-7, 9-23, 25-28, AND 30-59 UNDER 35 U.S.C. § 103

Claims 1-7, 9-23, 25-28, and 30-59 stand rejected under 35 U.S.C. § 103 based on combination of U.S. Patent No. 6,449,250 ("Otani"), and U.S. Patent No. 6,636,971 ("Loukianov"). All pending claims are believed to be allowable for at least the following reasons. Withdrawal of the rejection is respectfully requested.

Independent claims 1, 18, 25, 34, 39, 51, and 58 require that synchronization between a protecting CMTS and a working CMTS is performed in response to one or both of two triggering events. Specifically, claim 1 recites "receiving information about the status of the group of cable modems from the working CMTS to thereby synchronize the protecting CMTS to the working CMTS *in response to a change in configuration data pertaining to the group of cable modems associated with the working headend device, or discovery of a new protecting headend device.*" All other rejected independent claims, i.e., claims 18, 25, 34, 39, 51, and 58, contain recitations similar to that of claim 1 regarding the above-identified triggering events.

As explained fully in the previous Amendment (dated July 25, 2003), one goal of the present invention is in providing redundancy for headend components of digital cable networks. Specifically, when a working CMTS becomes unavailable to service its group of cable modems, a protecting CMTS takes over service to those cable modems. The switchover takes place preferably transparently to the cable modems by keeping the working and protecting CMTSs in synchronization regarding service parameters for the cable modems.

Specifically, independent claims 1, 18, 25, 34, 39, 51, and 58 require that this synchronization occur in response to the above-identified triggering events, i.e., "in response to a change in configuration data pertaining to the group of cable modems associated with the working CMTS, or discovery of a new protecting CMTS." According to the embodiments of the invention, synchronization may be triggered when (a) local configuration changes are detected or

(b) a standby CMTS (in learn state) is just discovered. See, for example, page 17, lines 4-17 of the present specification.

By contrast, neither of Otani and Loukianov discloses or suggests the above-identified feature of the invention, i.e., synchronizing the protecting headend device to the working headend device "in response to a change in configuration data pertaining to the group of cable modems associated with the working CMTS, or discovery of a new protecting CMTS."

As the Examiner admits in the Office Action dated November 6, 2003, the Otani patent fails to teach or suggest the above-identified feature of the invention as recited in independent claims. The Examiner cited a new reference, the Loukianov patent, as allegedly describing the above-identified claimed feature to cure the deficiencies of the Otani patent. Applicants respectfully disagree.

The Loukianov patent is generally directed to a system for avoiding a security hole in a CMTS (column 4, lines 40-51). As a preliminary matter, the Loukianov patent fails to show a pair of CMTSs (a working CMTS and a protecting CMTS) as claimed. It merely shows a system having a CMTS and cable modems. Loukianov is silent on synchronization of a protecting CMTS to a working CMTS. It merely synchronizes a CMTS to a cable modem. Therefore, as a preliminary matter, any synchronization (or trigger event) disclosed in Loukianov cannot be interpreted as "a change in configuration data pertaining to the group of cable modems associated with the working CMTS, or discovery of a new protecting CMTS" as claimed.

More fundamentally, the independent claims require the above-identified specific triggering events: "a change in configuration data pertaining to the group of cable modems associated with the working headend device, or discovery of a new protecting headend device". By contrast, the Loukianov patent describes the concept of "continuous conductivity between the cable modem and the termination station" (column 4, lines 58-59). In order to ensure such "conductivity," Loukianov suggests "periodically using the cable modem to send an encrypted message to the cable modem termination station" (column 4, lines 60-65). It is respectfully submitted that Loukianov's "continuous conductivity" in no way suggests, implicitly or explicitly, that the transmission of the message is performed in response to either of the specific events mentioned in the claims. Again, Loukianov's system periodically sends a message independently of the enumerated triggering events. Therefore, Loukianov fails to remedy the deficiencies of Otani.

For at least the reasons set forth above, the invention defined in independent claims 1, 18, 25, 34, 39, 51, and 58 and their dependent claims is believed to be patentable over the cited art. Withdrawal of the rejections is respectfully requested.

III. CONCLUSION

Applicants believe that all pending claims are in condition for allowance, and respectfully request a Notice of Allowance at an early date. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 510-843-6200, ext. 245.

Respectfully submitted,
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Limited Recognition under 37 CFR § 10.9(b)

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Expires: January 2, 2004



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